REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Proposed changes to Figs. 1 and 2 are submitted herewith to overcome the objections thereto.

Claims 1-5 have been canceled in favor of new claims 6-9, which better define the subject matter Applicants regard as the invention. Support for the features recited in claims 6-9 is provided in original claims 1-5, Figs. 4-9, and the specification on page 7, line 18, through page 8, line 4, and page 15, line 6, through page 16, line 5.

Claims 1-5 were rejected, under 35 USC §102(b), as being anticipated by Smith (US 5,642,355). To the extent these rejections may be deemed applicable to new claims 6-9, the Applicants respectfully traverse.

New claim 6 recites:

> *A base station apparatus comprising:*
> *a timing deviation measurer that measures a reception timing deviation, said reception timing deviation being a time delay of an arrival time of a direct wave with respect to a slot start time, which is based on an internal clock; and*
> *a channel assigner that: (1) refers to a table indicating a range of reception timing deviation assigned to each of a plurality of slots, (2) determines, by reference to the table, an order in which the slots are subjected to channel retrieval based on the measured reception timing deviation, and (3) carries out downlink channel assignment in the*

determined order in accordance with a downlink CIR and uplink channel assignment in accordance with an uplink CIR.

Smith fails to disclose the features recited in claim 6 of: (1) determining, by reference to a table, the order in which each of a plurality of slots is subjected to channel retrieval based on a measured reception timing deviation and (2) carrying out downlink channel assignment in the determined order in accordance with a downlink CIR.

The present invention aims to enable reuse partitioning when an open loop transmission power control is employed on uplink channels. In accordance with this aim, it is a feature of the present invention to determine the order in which slots are subjected to channel retrieval based on reception timing deviation, focusing on the fact that the reception timing deviation is proportional to the physical and geographical distance of the mobile station apparatus from the base station apparatus.

Smith discloses assigning time slots based on the distance to the mobile station. But Smith does not disclose determining, by reference to a table, the order in which each of a plurality of slots is subjected to channel retrieval based on a measured reception timing deviation and carrying out downlink channel

assignment in the determined order in accordance with a downlink CIR.

Accordingly, Applicants submit that Smith does not anticipate the subject matter defined by claim 6. Independent claim 8 similarly recites the features distinguishing apparatus claim 6 from Smith, but with respect to a method. For similar reasons that these features distinguish claim 6 from Smith, so too do they distinguish claim 8. Therefore, allowance of claims 6 and 8 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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Date: January 28, 2005
JEL/DWW/att

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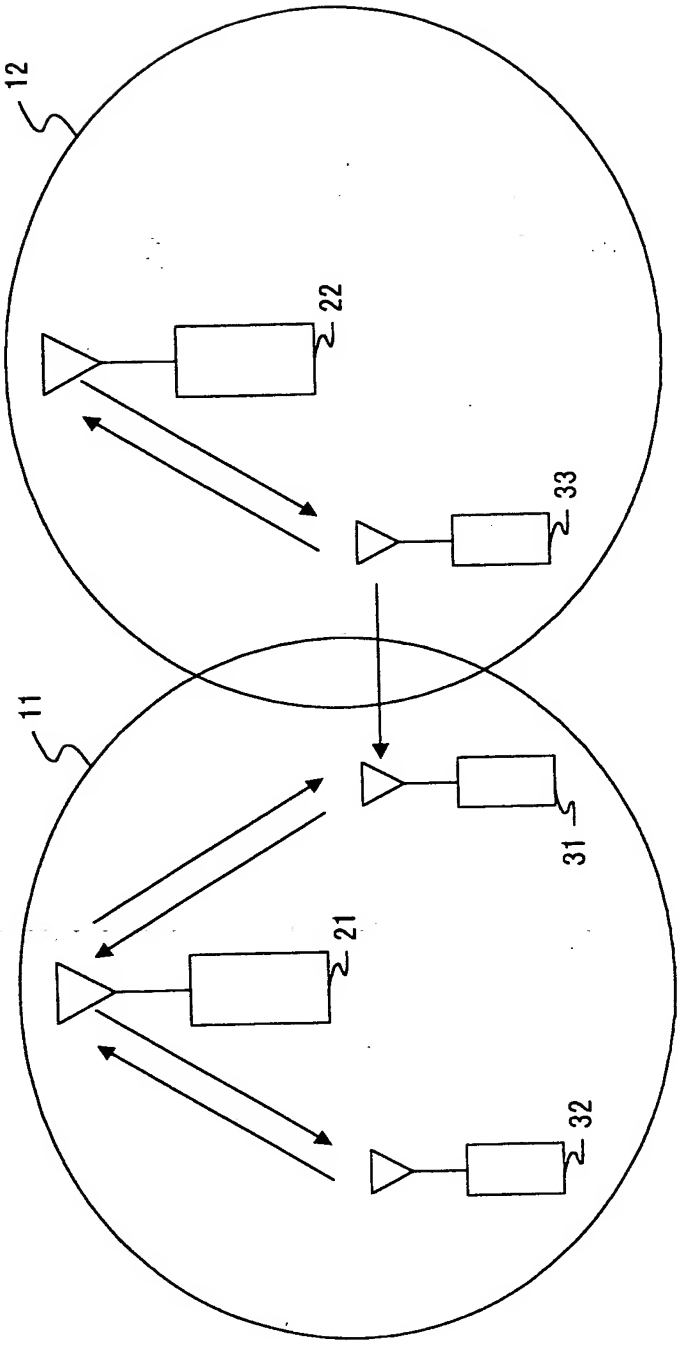
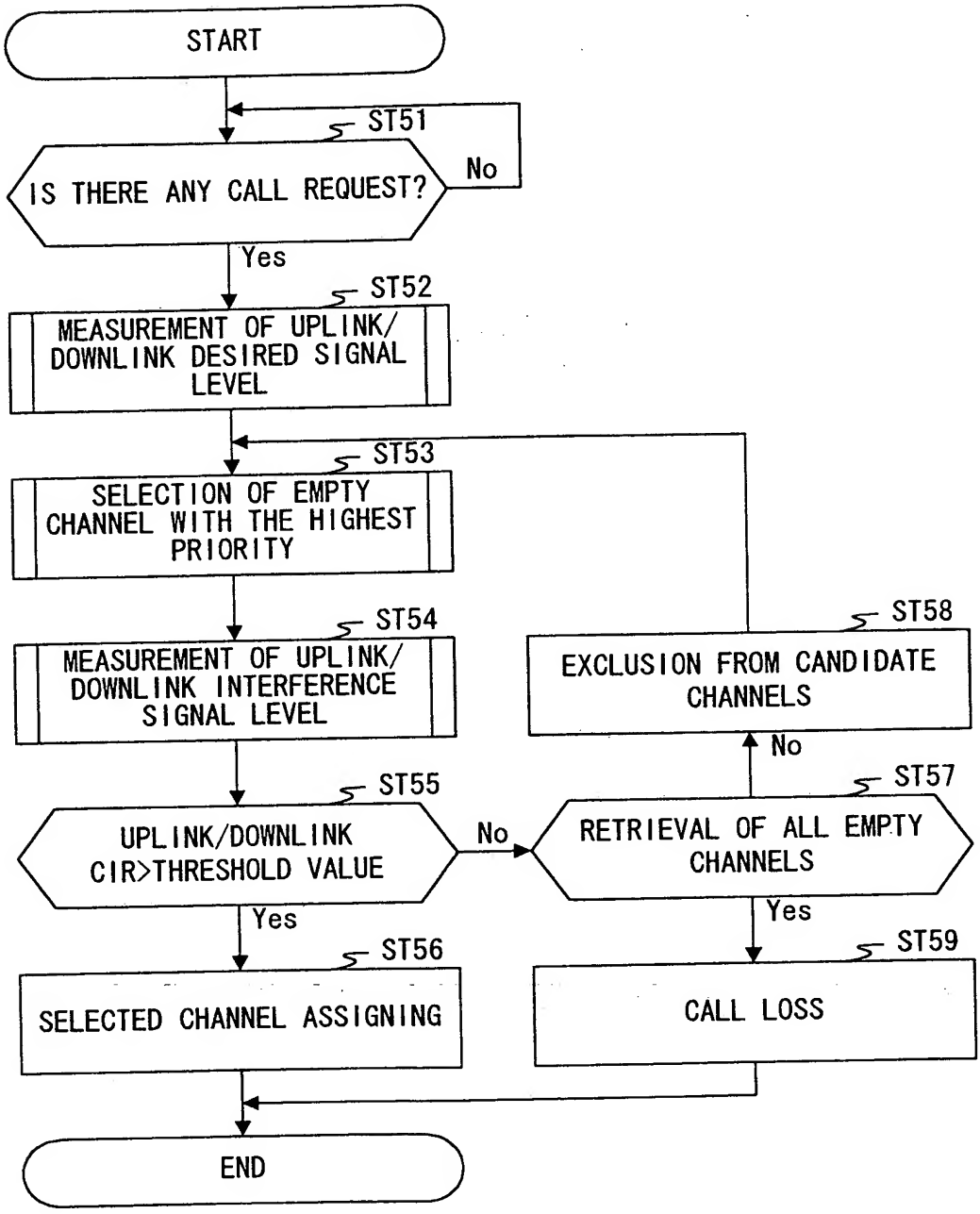
IN THE DRAWINGS

Proposed changes to Figs. 1 and 2 are submitted herewith, with a Letter to the Official Draftsman.



RELATED ART

FIG.1



RELATED ART

FIG.2